

EXHIBIT 2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILLIP NELSON BURNS, MIRJANA
PAVKOVICH, Administrator of the Estate of
Rade Pavkovich, Deceased, and WARREN
ELMER HALPAP,

Plaintiffs,

Case No. 1:07-CV-3496 (WHP)

-against-

GRUPO MEXICO, S.A. de C.V., a Mexican
Corporation,

Defendant.

DECLARATION OF JOHN M. BROADDUS

1. My name is John M. Broaddus. I am of sound mind, over the age of 18; have never been convicted of a felony or a crime of moral turpitude, and am capable of making this Declaration. I make this declaration based on personal knowledge.

2. I am an attorney employed by Weitz & Luxenberg, P.C. I have worked for Weitz & Luxenberg since 2000. In 2005, Weitz & Luxenberg, P.C. represented the plaintiffs in *Burns et al. v. Grupo Mexico S.A. de C.V. et al.*, Index No. 0114728/2004 (N.Y. Sup. Ct.) (the "Burns Case").

3. In 2005, Weitz & Luxenberg hired APS International, Ltd. to assist Weitz & Luxenberg in perfecting service of process in Mexico on Grupo Mexico S.A. de C.V. ("Grupo Mexico") in the Burns Case. I provided APS International with true and accurate copies of documents from the Burns Case to be served on Grupo Mexico. Those documents included the following:

- a. Verified Complaint
- b. Summons

- c. First Amended Verified Complaint
- d. Supplemental Summons
- e. Second Amended Verified Complaint
- f. Supplemental Summons

4. On June 15, 2005, I sent a letter to the Honorable Bernard J. Fried of the New York Supreme Court requesting that a July 6, 2005 conference be adjourned in order to provide APS International with additional time in which to effect service of process on Grupo Mexico in compliance with the Hague Convention on the Service Abroad of Judicial or Extra-Judicial Documents in Civil and Commercial Matters (the "Hague Convention"). Exhibit 1 is a true and accurate copy of the letter and its attachments.

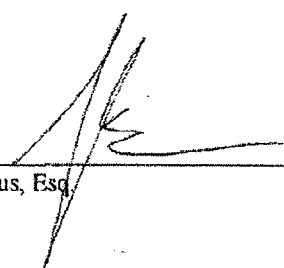
5. I received a letter from APS International dated August 23, 2005, informing me that service of process had been effected on Grupo Mexico on July 1, 2005. Attached to that letter was the original entire service packet. Exhibit 2 is a true and accurate copy of the August 23, 2005 letter and the service packet that accompanied it.

6. On September 14, 2005, I filed affidavits of service demonstrating service of process on Grupo Mexico and other defendants with the Office of the Clerk of the New York Supreme Court in New York County. Exhibit 3 is a true and accurate copy of the transmittal letter and the affidavits of service sent to the Clerk for filing.

7. Exhibits 1-3 to this Affidavit are records of acts, events, conditions, or opinions made at or near the time by, or from information transmitted by, a person with knowledge of the act, event, condition, or opinion reported. These records are kept in the course of Weitz & Luxenberg's regularly conducted business activity, and it was the regular practice of that business activity to make these records.

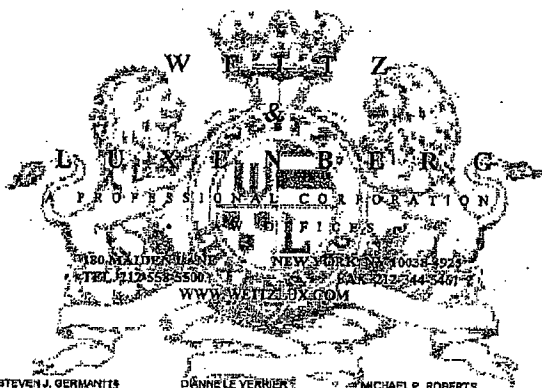
8. Pursuant to 28 U.S.C. § 1746, I, John M. Broaddus, declare under penalty of perjury that the foregoing is true and correct.

Signed this 6 th day of July 2007.



John M. Broaddus, Esq.

EXHIBIT 1
TO
EXHIBIT 2



PERRY WITZ
ARTHUR M. LUXENBERG
ROBERT J. GORDON **

STANLEY N. ALPERT *
BRYAN BELASKY
RUSSELL BOGART §
EDWARD S. BOSEK
JOHN M. BROADBENT *
DANIEL C. BURKE
PATTI BURSHITT ††
LISA NATHANSON BUSCH
DAVID A. CHANDLER
EILEEN CLARKE
THOMAS COMERFORD ††
CHARLES M. FERGUSON
STUART R. FRIEDMAN

STEVEN J. GERMANTIS
LAWRENCE GOLDBIRSHCH **
EDWARD J. HAY *
CATHERINE HEACOX ††
RENEE L. HENDERSON *
MARIE L. IANNIELLO †
ERIK JACOBSS
EVAN M. JAMUSH †
GARY R. KLEIN ††
JERRY KRISTAL *
RORY I. LANDMAN
DEBBIE LANDAU
ROBERTO LARACUENTE *

DONNIE VERMEER
JAMES C. LONG, JR. **
VICTORIA MARATIS ††
RICHARD S. MCGOWAN ** ††
C. SANDERS McNEW *
RICHARD MEADOW *
WILLIAM J. NUGENT
MICHAEL E. PEDERSON
PAUL J. PENNOCK †
STUART S. PERRY *
G. RUSSELL RAGLAND **
ELLEN REIKIN *
STEPHEN J. RIEGEL

MICHAEL P. ROBERTS
CHRIS ROMANELLI ††
DAVID ROSENBAUM
SHELDON SILVER†
BENJAMIN SHOKLER §
FRANKLIN P. SOLOMON †
BONNIE M. STEINWOLF
JAMES S. THOMPSON ††
DOUGLAS D. VAN OSTEN §
NICHOLAS WISE
LAUREN WOLPIN *
ALLAN ZELIKOWICZ
GLENN ZUCKERMAN

* Of Counsel
‡ Also admitted in CT
§ Also admitted in FL
** Also admitted in MA
†† Also admitted in NJ
‡ Also admitted in DC
† Also admitted in NJ and CT
- Also admitted in NJ and PA
- Also admitted in NJ and DC
Admitted only in NJ and PA
‡ Also admitted in VA and NJ
** Also admitted in DC and TX
- Also admitted in DC, MD, PA and VA
• Also admitted in DC and VA
• Admitted only in CO

June 15, 2005

The Honorable Bernard J. Fried
New York Supreme Court
New York County
111 Centre Street
Room 457
New York, New York 10013

Re: Philip Nelson Burns, et al. v. Grupo Mexico S.A. de C.V., et al.
Index No. 04/114728

Dear Justice Fried:

We represent the plaintiffs in the above-referenced matter. The plaintiffs and the defendants served have conferred and hereby request that the conference presently scheduled for Wednesday, July 6, 2005 at 9:30 a.m. be adjourned to a date in October, 2005 or to a date convenient for the Court. The basis for this request is that the international process server, APS International, has advised that service of process on the Mexican defendants pursuant to the Hague Convention cannot be completed within the time frame provided in the Court's Order of February 16. That Order granted plaintiffs' motion for an extension of time to complete service upon the Mexican defendants and provided an additional 120 days which would expire June 16, 2005.

In correspondence date June 7, 2005, APS states that it will take four to six months, or longer, from the date the Mexican authorities receive all the necessary materials to complete service and to return the proof of service. All the translated materials, including the First and Second Amended Complaints filed in February, the Hague Convention forms, and all other necessary

51 HADDONFIELD ROAD, SUITE 160 • CHERRY HILL, NJ 08002 • TEL 856-488-9001 • FAX 856-488-9077
76 SOUTH ORANGE AVENUE, SUITE 201 • SOUTH ORANGE, NJ 07079 • TEL 973-761-8995 • FAX 973-763-4020
215 SOUTH MONARCH STREET, SUITE 202 • ASPEN, CO 81611 • TEL 970-925-6101 • FAX 970-925-6035

CONFIDENTIAL

GM_BURNS_002801

The Honorable Bernard J. Fried
June 15, 2005
Page 2

materials, were sent by APS to the Mexican Central Authority (Ministry of Foreign Relations) on May 17 and received by them on May 20.

Contemporaneous with the filing of this letter, the plaintiffs are filing their Ex Parte Application for Additional Extension of Time for Service of Process on Unauthorized Foreign Corporations Pursuant to the Hague Convention. The U.S. defendants who have been served have stated they do not object to additional time being permitted for service on the Mexican defendants. In addition, the U.S. defendants served to date have stipulated with plaintiffs that they will not be required to answer or otherwise move until the service in Mexico under the Hague Convention is completed. A copy of APS's June 7 correspondence is attached as Exhibit B to the Affirmation which accompanies the motion.

Thank you for your consideration of this request.

Very truly yours,

WEITZ & LUXENBERG, P.C.


John M. Broadus, Esq.

cc: David R. Lurie, Esq. (counsel for Ernst & Young)
James Beha, Esq. (counsel for JP Morgan Chase Bank)
Roger Hawke, Esq. (counsel for Americas Mining Corporation)
Leo Gagion, Esq. (counsel for Credit Suisse First Boston)
Alan Rich, Esq. (counsel for plaintiffs)

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PHILLIP NELSON BURNS, MIRJANA
PAVKOVICH, Administrator of the Estate of
Rade Pavkovich, Deceased, and WARREN
ELMER HALFPAP,

Plaintiff(s),

-against-

Index No.: 114728/04

GRUPO MEXICO S. A. de C.V., a Mexican
Corporation, SOUTHERN PERU HOLDINGS
CORPORATION, a Delaware Corporation, SPHC
II, Incorporated, a Delaware Corporation, GRUPO
MINERO MEXICO INTERNACIONAL, S. A.
de C.V., a Mexican Corporation, MEXICANA
de COBRE, S.A. de C.V. a Mexican Corporation,
CONTROLADORA MINERA MEXICO, S.A. de
C.V., a Mexican Corporation, JP MORGAN
CHASE & COMPANY f/k/a CHASE
MANHATTAN BANK & TRUST COMPANY,
a Delaware Corporation, AMERICAS MINING
CORPORATION, a Delaware Corporation,
ERNST & YOUNG LLP, ERNST & YOUNG
CORPORATE FINANCE, LLC, GERMAN
LARREA MOTA-VELASCO, Officer and
Director of ASARCO, Inc., OSCAR GONZALEZ
ROCHA Officer and Director of ASARCO, Inc.,
CREDIT SUISSE FIRST BOSTON, INC.,
CREDIT SUISSE FIRST BOSTON, LLC and
CREDIT SUISSE FIRST BOSTON (USA),
INC.

Defendant(s)

**EX PARTE APPLICATION FOR ADDITIONAL EXTENSION OF TIME FOR
SERVICE OF PROCESS ON UNAUTHORIZED FOREIGN CORPORATIONS
PURSUANT TO THE HAGUE CONVENTION**

Plaintiffs, pursuant to CPLR § 311(b), and with the consent of counsel for defendants served
with process in the United States, hereby apply *ex parte* for an extension of time of an additional 120

days from the date of the Order herein, without prejudice to seeking further extension should service be impracticable, or to whichever date the Court may direct, to effect service pursuant to the Hague Convention on certain unauthorized foreign defendants, and certain of their officers and directors, located in Mexico.

BACKGROUND

1. This action was commenced by filing a Verified Complaint and Summons in this Court on October 15, 2004.
2. Service of process has been effected on defendants whose principal places of business are in the United States.²
3. On December 20, 2004, this Court granted Plaintiffs' Unopposed Motion To Appoint Special Process Server to Effect Service of Process on an Unauthorized Foreign Corporation Pursuant to the Hague Convention. Plaintiffs thereafter retained an international process server, APS International, to effect service of process pursuant to the Hague Convention

¹ Consent was obtained from: 1) David Lurie, Esq., Vinson & Elkins, counsel for Ernst & Young LLP and Ernst & Young Corporate Finance, LLC, 2) James Beha, Esq., Winston & Strawn, counsel for JP Morgan Chase & Company, f/k/a Chase Manhattan Bank & Trust Company, 3) Roger Hawke, Esq., Sidley Austin Brown & Wood, counsel for Americas Mining Corporation, and 4) Leo Gagion, Esq., Dewey Ballantine, counsel for Credit Suisse First Boston, Inc., Credit Suisse First Boston, LLC, Credit Suisse First Boston (USA).

² Service of process has been effected upon the following defendants in the United States: JP Morgan Chase & Company f/k/a Chase Manhattan Bank & Trust Company, Americas Mining Corporation, Ernst & Young LLP, and Ernst & Young Corporate Finance, LLC, Credit Suisse First Boston, Inc., Credit Suisse First Boston, LLC, and Credit Suisse First Boston (USA), Inc. Southern Peru Holdings Corporation and SPHC II have been served but there is no record of counsel entering an appearance as of yet. A "Stipulation of Discontinuance Regarding Daniel Tellechia Salido Only" was filed on December 14, 2004. By Stipulation, the plaintiffs have agreed with the defendants who have been served that they shall not be required to answer the complaint or otherwise plead until service upon the defendants located in Mexico has been effected pursuant to the Hague Convention.

on the unauthorized, foreign defendants located in Mexico.³

4. On February 5, 2005, plaintiffs filed their Ex Parte Application for Extension of Time to Effect Service on An Unauthorized Foreign Corporation pursuant to CPLR § 311(b). At that time, plaintiffs requested an additional 180 days to complete the service in Mexico.

5. On February 7, 2005 plaintiffs filed a First Amended Complaint adding three new defendants -- Credit Suisse First Boston, Inc., Credit Suisse First Boston, LLC, and Credit Suisse First Boston (USA), Inc. Service on these defendants was effected on February 10, 2005.

6. On February 14, 2005, plaintiffs provided APS International with 15 copies of the certified Original and First Amended complaint and summonses for service upon the defendants. Plaintiffs also provided APS with a certified copy of the Order appointing APS as the international process server.

7. On February 16, 2005 the Court signed its Order (see Affirmation, Exhibit A, submitted herewith) granting plaintiff an additional 120 days from the date of the entry of the Order to effect service of process on the defendants located in Mexico. The Order was filed in the Clerk's office on February 22, 2005. Service of process on the Mexican defendants is therefore presently required to be completed by June 16, 2005.

8. On February 17, 2005, the plaintiffs filed their Second Amended Complaint correcting a number of the corporate names of the Mexican defendants and amending the complaint to assert a class action.

³ The unauthorized foreign corporations and corporate officials being served in Mexico pursuant to the Hague Convention are: Grupo Mexico S. A. de C.V., Grupo Minero Mexico Internacional, S.A. de C.V., Mexicana de Cobre, S.A. de C.V., Controladora Minera Mexico, S.A. de C.V., German Larrea Mota-Velasco, and Oscar Gonzalez Rocha.

9. Thereafter, based on discussions with APS International, further research was required to confirm the correct spellings of the names of the corporate entities as well as of the individual corporate officers of the Mexican defendants. Review of the U.S. Securities and Exchange Commission (SEC) filings by the companies who are related to, or subsidiaries of, the Mexican companies, which refer to the Mexican entities and corporate officers in their filings, indicated that the translations from Spanish into English for purpose of the SEC filings and English language web sites resulted in minor but significant variations in spellings. Comparison of the spellings on the web sites of the Mexican corporate entities with the spellings in the SEC filings also revealed similar variations.

10. On March 31, plaintiffs overnighted to APS a letter with corrected spellings along with certified copies of the First Amended Complaint and the Second Amended Complaint.

11. On April 1, plaintiffs forwarded, at APS's request, an additional court certified copy of the order appointing APS as special process server.

12. On May 17, APS finished the translation of the original, First Amended, and Second Amended Complaints, as well as the appropriate forms for service of process under the Hague Convention in Mexico, and overnighted the appropriate documentation to the Central Authority in Mexico City, Mexico.

13. In correspondence dated June 7, 2005 (see Affirmation, Exhibit B, submitted herewith), APS advises that additional time is required to complete service in Mexico under the Hague Convention. APS states:

For the country of Mexico, service and return of proof of service in accordance with the Hague Convention generally takes *4-6 months or longer* from the time the request for service is submitted to the Mexican Central Authority (Ministry of Foreign Relations).

Service is entirely in the hands of the Mexican government, Mexican courts and their officials. It is not possible for us to 'speed up' the process.

Your documents were submitted to the Mexican Central authority on May 17, 2005 and delivered to the Mexican Central authority on May 20, 2005, as confirmed by FedEx. *You will require an extension of service.* (emphasis added)

(See Affirmation, Exhibit B, submitted herewith.)

ARGUMENT

14. CPLR § 311(b) provides:

"... [i]f service upon . . . a foreign corporation within the one hundred twenty days allowed by section three hundred six-b of this article is *impracticable* under paragraph one of subdivision (a) of this section or any other law, service upon the corporation may be made in such manner, and proof of service may take such form, as the court, *upon motion without notice*, directs."⁴ (emphasis added)

15. As stated, APS now advises that additional time for service is needed because it will take 4 to 6 months or longer from May 20, 2005 to complete service of process on the Mexican corporations and corporate officers under the Hague Convention. APS further indicates that once delivery of the required documents to the Mexican Central Authority was effected on May 20, 2005, it is not possible for APS to "speed up" the process" because "service is entirely in the hands of the Mexican government, Mexican courts, and their officials." Therefore, service on these unauthorized foreign corporations located in Mexico by this Court's initial extension of time to June 16, 2005 is impracticable.

16. Plaintiffs submit they have exercised all due diligence in preparing all required documentation for APS, in the filing of necessary First and Second Amended Complaints, in serving the defendants located in the United States, and in conducting the additional research

⁴ In accordance with CPLR § 306-b, service of process "shall be made within one hundred twenty days after the filing of the summons and complaint . . ."

necessary to confirm the correct spellings of the Mexican defendants. Plaintiffs have also shown due diligence in forwarding the certified copies of the First Amended and Second Amended Complaints to APS for translation into Spanish and for service on the Mexican defendants in order to avoid further delay. Such delay would have been occasioned by awaiting completion of service of the original complaint prior to instituting service of the First Amended and Second Amended Complaints.

17. Plaintiffs submit that due to the exigencies of service in Mexico on unauthorized foreign corporations, as confirmed by the APS correspondence, that good cause is shown and the interests of justice would be served to permit an extension of time of an additional 120 days to serve the defendants located in Mexico.

18. Attached hereto is plaintiffs' Affirmation in support of this application with attached Order of this Court of February 16, 2005 (Exhibit A) and correspondence dated June 7, 2005, from APS International (Exhibit B).

WHEREFORE, plaintiffs herein respectfully request an extension of time of an additional 120 days from the date of the Order herein, without prejudice to seeking further extensions should service be impracticable, or to whichever date the Court may direct, to effect service pursuant to the Hague Convention on the unauthorized foreign defendants listed herein.

Dated: New York, New York
June 14, 2005

Respectfully submitted,

WEITZ & LUXENBERG, P.C.

A New York Professional Corporation

120 Wall Street-15th Floor

New York, NY 10038

(212) 558-5900

FAX (212) 363-6848

By: 

Gary Klein, Esq.

John M. Broaddus, Esq.

BARON & BUDD

A PROFESSIONAL CORPORATION

Alan B. Rich, Esq.

The Centrum, Suite 1100

3102 Oak Lawn Avenue

Dallas, Texas 75219

(214) 521-3605

FAX: (214) 520-1181

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PHILLIP NELSON BURNS, MIRJANA
PAVKOVICH, Administrator of the Estate of
Rade Pavkovich, Deceased, and WARREN
ELMER HALFPAP,

Plaintiff(s),

-against-

Index No.: 114728/04

GRUPO MEXICO S. A. de C.V., a Mexican Corporation, SOUTHERN PERU HOLDING CORPORATION, a Delaware Corporation, SOUTHERN PERU HOLDING CORPORATION II, a Delaware Corporation, GRUPO MINERO MEXICO INTERNACIONAL, S. A. DE C.V., a Mexican Corporation, COMPANIA MEXICANA de COBRE, a Mexican Corporation, JP MORGAN CHASE & COMPANY f/k/a CHASE MANHATTAN BANK & TRUST COMPANY, a Delaware Corporation AMERICAS MINING CORPORATION, a Delaware Corporation, ERNST & YOUNG LLP, ERNST & YOUNG CORPORATE FINANCE, LLC, GERMAN LARREA MOTA-VAELASCO, Officer and Director of ASARCO, Inc., OSCAR GONZALES ROCHA Officer and Director of ASARCO, Inc., DANIEL TELLECHEA SALIDO Officer and Director of ASARCO, Inc., CREDIT SUISSE FIRST BOSTON, INC., CREDIT SUISSE FIRST BOSTON, LLC and CREDIT SUISSE FIRST BOSTON (USA), INC.

Defendant(s)

**AFFIRMATION IN SUPPORT OF EX PARTE APPLICATION FOR ADDITIONAL
EXTENSION OF TIME FOR SERVICE OF PROCESS ON UNAUTHORIZED
FOREIGN CORPORATIONS PURSUANT TO THE HAGUE CONVENTION**

JOHN M. BROADDUS, an attorney duly admitted *pro hac vice* to practice law in the instant matter before the Courts of the State of New York, affirms the following to be true under penalty of perjury:

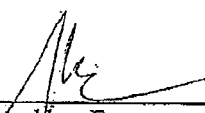
1. I am an attorney with the firm of WEITZ & LUXENBERG, P.C. attorneys for the plaintiffs Phillip Nelson Burns, Mirjana Pavkovich, and Warren Elmer Halfpap, in this action. I submit this affirmation in support of Plaintiffs' Ex Parte Application for Additional Extension of Time for Service of Process on Unauthorized Foreign Corporations Pursuant to the Hague Convention.
2. On February 5, 2005, plaintiffs filed an Ex Parte Application for Extension of Time to Effect Service on An Unauthorized Foreign Corporation pursuant to CPLR § 311(b). At that time, plaintiffs requested an additional 180 days to complete the service in Mexico.
3. Attached hereto as Exhibit A is a true and correct copy of this Court's Order dated and signed February 16, 2005 in which this Court granted plaintiffs an additional 120 days from the date of the entry of the Order to effect service of process on the defendants located in Mexico. The Order was filed in the Clerk's office on February 22, 2005.
4. Attached hereto as Exhibit B is a true and correct copy of correspondence dated June 7, 2005 from APS International stating that service of process upon a corporation located in Mexico pursuant to the Hague Convention "generally takes 4-6 months or longer from the time the request for service is submitted to the Mexican Central Authority (Ministry of Foreign Relations)," that the request for service was received by the Mexican Central Authority from APS on May 20, 2005, and that additional time is needed to effect service of process in Mexico.
5. Based on the information provided by APS International, Plaintiffs respectfully

request that the Court extend the time to effect service and file proof thereof for a period of 120 days from the date of the Order herein, without prejudice to plaintiffs seeking further extensions should service of process be impracticable within the time limit set forth.

Dated: New York, New York
June 16, 2005

Respectfully submitted,

WEITZ & LUXENBERG, P.C.

By: 
John M. Broadus, Esq.
180 Maiden Lane, 17th Floor
New York, New York, 10038
Telephone: (212) 558-5500

BARON & BUDD
A PROFESSIONAL CORPORATION
Alan B. Rich, Esq.
The Centrum, Suite 1100
3102 Oak Lawn Avenue
Dallas, Texas 75219
(214) 521-3605
FAX: (214) 520-1181

Attorneys for Plaintiffs

EXHIBIT A

CONFIDENTIAL

GM_BURNS_002813

SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY

PRESENT: Fred HON. BERNARD J. FRIED
Justice

PART 60m

Phillip Nelson Burns

INDEX NO.

114728/04

MOTION DATE

MOTION SEQ. NO.

002

MOTION CAL. NO.

Grupo Mexico S.A. et al

The following papers, numbered 1 to _____ were read on this motion to/for _____

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits ...

Answering Affidavits — Exhibits _____

Replying Affidavits _____

PAPERS NUMBERED

Cross-Motion: ☐ Yes ☐ No

Upon the foregoing papers, it is ordered that this motion

This motion is GRANTED as follows: time for the service of process is extended by 120 days from the date of the entry of this Order

SO ORDERED

FILED

FEB 22 2005

CLERK OF COURT

Dated: 2/16/05

HON. BERNARD J. FRIED
J.S.C.

Check one: ☐ FINAL DISPOSITION

☒ NON-FINAL DISPOSITION

MOTION/CASE IS RESPECTFULLY REFERRED TO
JUSTICE

CONFIDENTIAL

GM_BURNS_002814

EXHIBIT B

CONFIDENTIAL

GM_BURNS_002815

APS International Plaza • 7800 Glenroy Road
Minneapolis, Minnesota 55439-3122
PHONE: (952) 831-7776
FAX: (952) 831-8150
TOLL FREE: (800) 328-7171

APS International, Ltd.

Website: www.CivilActionGroup.com

June 7, 2005

Attn: Mr. John Broaddus
WEITZ & LUXENBERG
210 Lake Drive East, Ste. 101
Cherry Hill, NJ 08002

DMyers@CivilActionGroup.com

RE: Burns v Grupo Mexico S.A. de C.V.
Country: Mexico
APS File #242766

- Grupo Mexico, S.A. de C.V.; Mexico City, Mexico
- Grupo Minero Mexico Internacional, S.A. de C.V.; Mexico City, Mexico
- Mexicana de Cobre, S.A. de C.V.; Mexico City, Mexico
- German Larrea Mota-Velasco; Mexico City, Mexico
- Oscar Gonzalez Rocha; Mexico City, Mexico
- Controladora Minera Mexico, S.A. de C.V.; Mexico City, Mexico

Dear Mr. Broaddus:

Service in accordance with international treaty (formal service) is the proper method of service for the country of Mexico. The United States and Mexico are both party to the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters, TIAS #10072 (U.S. Treaties & other International Acts) and 20 UST 361 (U.S. Treaties & other International Agreements). Informal methods of service are not allowed.

For the country of Mexico, service and return of proof of service in accordance with the Hague Convention generally takes 4-6 months or longer from the time the request for service is submitted to the Mexican Central Authority (Ministry of Foreign Relations). Service is entirely in the hands of the Mexican government, Mexican courts and their officials. It is not possible for us to 'speed up' the process.

Your documents were submitted to the Mexican Central Authority on May 17, 2005 and delivered to the Mexican Central Authority on May 20, 2005, as confirmed by FedEx. You will require an extension for service. In our experience, U.S. courts are generally very understanding in allowing the necessary time to complete the complex and proper service as required by international treaty.

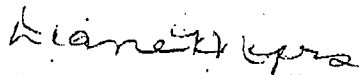
CONFIDENTIAL

GM_BURNS_002816

Page 2 of 2

Please feel free to contact me in the International Division with any additional questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diane Myers".

Diane Myers
Direct Extension: 339
APS International, Ltd.
International Division

CONFIDENTIAL

GM_BURNS_002817

Index No.

Year 20

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PHILLIP NELSON BURNS, MIRJANA PAVKOVICH, Administrator
of the Estate of Rade Paykovich, Deceased, and WARREN
ELMER HALFPAP,

Plaintiffs,

-against-

GRUPO MEXICO S. A. de C.V., a Mexican
Corporation, et al.

Defendants.

EX PARTE APPLICATION FOR ADDITIONAL EXTENSION OF TIME FOR SERVICE OF PROCESS
ON UNAUTHORIZED FOREIGN CORPORATIONS PURSUANT TO THE HAGUE CONVENTION

WEITZ & LUXENBERG, PC.

Attorneys for Plaintiffs

180 Maiden Lane
New York, NY 10038
(212) 558-5500

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated:

Signature.....

Print Signer's Name.....

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

☐

NOTICE OF
ENTRY

that the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on

20

☐

NOTICE OF
SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the
Hon. one of the judges of the within named Court,

on

20

, at

M.

Dated:

WEITZ & LUXENBERG, PC.

Attorneys for

To:

180 Maiden Lane
New York, NY 10038

CONFIDENTIAL

GM_BURNS_002818

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

PHILLIP NELSON BURNS, MIRJANA
PAVKOVICH, Administrator of the Estate of
Rade Pavkovich, Deceased, and WARREN
ELMER HALFPAP,

Plaintiff(s),

-against-

Index No.: 114728/04

GRUPO MEXICO S. A. de C.V., a Mexican
Corporation, SOUTHERN PERU HOLDINGS
CORPORATION, a Delaware Corporation, SPHC
II, Incorporated, a Delaware Corporation, GRUPO
MINERO MEXICO INTERNACIONAL, S. A.
de C.V., a Mexican Corporation, MEXICANA
de COBRE, S.A. de C.V. a Mexican Corporation,
CONTROLADORA MINERA MEXICO, S.A. de
C.V., a Mexican Corporation, JP MORGAN
CHASE & COMPANY f/k/a CHASE
MANHATTAN BANK & TRUST COMPANY,
a Delaware Corporation, AMERICAS MINING
CORPORATION, a Delaware Corporation,
ERNST & YOUNG LLP, ERNST & YOUNG
CORPORATE FINANCE, LLC, GERMAN
LARREA MOTA-VELASCO, Officer and
Director of ASARCO, Inc., OSCAR GONZALEZ
ROCHA Officer and Director of ASARCO, Inc.,
CREDIT SUISSE FIRST BOSTON, INC.,
CREDIT SUISSE FIRST BOSTON, LLC and
CREDIT SUISSE FIRST BOSTON (USA),
INC.

Defendant(s)

EX PARTE ORDER

ORDER

IT IS HEREBY ORDERED, that plaintiffs' *Ex Parte* Application, pursuant to CPLR §
311(b), for Additional Extension of Time for Service of Process on Unauthorized Foreign
Corporations Pursuant to the Hague Convention, is hereby GRANTED.

IT IS FURTHER ORDERED that plaintiffs shall have for an extension of time of _____
days from the date of entry of this Order in order to effect service of process pursuant to the Hague
Convention on the following unauthorized foreign defendants:

Grupo Mexico S. A. de C.V.,
Grupo Minero Mexico Internacional, S.A. de C.V.,
Mexicana de Cobre, S.A. de C.V.,
Controladora Minera Mexico, S.A. de C.V.,
German Larrea Mota-Velasco, and
Oscar Gonzalez Rocha.

Dated: _____

JUDGE